

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,

Petitioner,

v.

STATE OF NEBRASKA,

Respondent.

---

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

8:18CV46

MEMORANDUM AND ORDER

Petitioner is attempting to take interlocutory appeals regarding orders denying him discovery and denying his request for a writ of mandamus directed to the Nebraska Supreme Court. I have addressed those matters in a separate order today. I have also dismissed his petition for writ of habeas corpus with prejudice today by a separate memorandum and order and judgment. In order to avoid any confusion,

IT IS ORDERED that:

(1) Petitioner is advised that if he wishes to appeal the denial and dismissal of his petition for writ of habeas corpus, a separate notice of appeal must be filed. To avoid confusion, the notice of appeal should specifically refer to the memorandum and order and judgment denying the petition for writ of habeas corpus.

(2) If Petitioner wishes to proceed in forma pauperis on the appeal of the denial and dismissal of his petition for writ of habeas corpus, he must submit a separate application to proceed in forma pampers.

(3) The Clerk shall mail to Petitioner a copy of the form for the application to proceed in forma pampers.

DATED this 21<sup>st</sup> day of August, 2018.

BY THE COURT:  
s/ *Richard G. Kopf*  
Senior United States District Judge